

AMENDMENTS TO THE GALLATIN COUNTY SUBDIVISION REGULATION REGARDING FIRE PROTECTION REQUIREMENTS, AS ADDRESSED UNDER SECTION 6.E., FIRE PROTECTION REQUIREMENTS, AND APPENDIX I: FIRE PROTECTION PACKAGES

On August 18, 2010, the Gallatin County Commission adopted Resolution of Intention No. 2009-101, directing the Planning Department to prepare amendments to the Gallatin County Subdivision Regulations, regarding fire protection requirements, as addressed under Sections 6.E and Appendix I of the Gallatin County Subdivision Regulations.

SECTION 6.E., FIRE PROTECTION STANDARDS

Deletions to the text are shown as ~~strikeout~~, while additions to the text are shown as underline.

- E. Fire Protection ~~Requirements~~ Standards.** All subdivisions shall be planned, designed, constructed, and maintained to minimize the risk of fire and to permit effective and efficient suppression of fires in order to protect persons, property, and forested areas.

Fire Protection ~~Requirements~~ Standards for subdivisions are described in this Section (Section 6.E) and Appendix I (Fire Protection ~~Packages~~ Standards). Appendix I is adopted as part of these Regulations. All subdivisions shall be required to provide the following fire protection measures:

1. **Fire Protection Plan.** All proposed subdivisions shall provide a Fire Protection Plan reviewed by the local Fire Protection Authority Having Jurisdiction (FPAHJ) prior to the subdivision application being considered complete by the Planning Department. The FPAHJ is the Fire Chief of the fire service organization providing fire protection services to the proposed subdivision. All Fire Protection Plans shall be approved by the County Commission at the time of final plat approval. The Fire Protection Plan shall include the following:
 - a. Description and confirmation of fire protection service/arrangement as required under Section 6.E.2.
 - b. For all subdivisions, compliance with general fire protection requirements as outlined under Section ~~4A~~ 1A of Appendix I, General Fire Protection Requirements.
 - c. ~~For major residential subdivisions, fire protection packages as outlined under sections 2 and 3 of Appendix I.~~ For one through three lot subdivisions, fire protection package reviewed by the

FPAHJ with recommendations for approval made to the County Commission.

- d. ~~For one lot minor residential subdivisions, fire protection packages as outlined under Section 4 of Appendix I. For four through five lot subdivisions, fire protection packages as outlined under Section B.1 of Appendix I.~~
 - e. ~~For two through five lot minor residential subdivisions, fire protection packages as outlined under Section 5 of Appendix I. For subdivisions having six or more lots, fire protection packages as outlined under Section B.2 of Appendix I.~~
 - f. ~~For commercial subdivisions and buildings, fire protection packages as outlined under Section 6 of Appendix I.~~
 - gf. For subdivisions identified as being located within a Structure-Wildland Interface by the ~~Gallatin County Community Wildfire Protection Plan and the FPAHJ~~, compliance with fire protection requirements for subdivisions in Structure-Wildland Interface as outlined under Section 7C of Appendix I.
2. **Fire District/Service Area.** If a subdivision is not located in a fire district or fire service area, one of the following fire protection arrangements shall be provided:
- a. If contiguous to a fire district or fire service area, the subdivision shall petition to annex into the fire district or fire service area before preliminary plat application.
 - b. If the annexation is unsuccessful, the subdivider/property owner(s) shall either:
 - i) contract for fire protection services from an existing rural fire district or fire service area; or
 - ii) form a new fire district or fire service area and contract with an existing rural fire district or fire service area for all Fire Protection Services; or
 - iii) form a rural fire district or fire service area meeting the criteria listed in the Gallatin County Fire Council Fire Protection Standard for New Rural Fire Districts and Fire Service Areas.

3. **Fire Protection Review Fees.** All subdivisions that are located in or annex into a fire district or fire service area shall pay the Fire Protection Review Fee per the current fee schedule on file with the Planning Department.
4. **Proportionate Reimbursement.** If ~~additional~~ subsequent subdivisions will be served by an existing Fire Protection Water Supply, the Commission ~~shall~~ may include reimbursement of the original Fire Protection Water Supply improvement costs as a condition of preliminary approval of ~~any additional~~ the subsequent subdivision. The reimbursement shall be in effect for a period of 15 years from the date of approval of the original subdivision. The proportionate reimbursement shall be determined based on the ratio of the number of lots in the subsequent subdivision to the total lots served by the fill site multiplied by the total cost of the subdivision. When the total cost of the fill site has been reimbursed, subsequent subdivisions shall not be subject to the requirement. Subsequent subdivisions must have a contract that makes them proportionally responsible for all improvements and maintenance to the water supply site.

~~The proportionate reimbursement shall be determined based on the ratio of the number of lots in the subdivision to the total number of lots served by the Fire Protection Water Supply. The ratio then is multiplied by the total cost of the Fire Protection Water Supply. The new subdivision shall join the entity that is responsible in the maintenance or improvements of the Fire Protection Water Supply. If the total cost of the Fire Protection Water Supply has been reached, then a fee of not less that \$100 per lot/living unit shall be paid to the entity that is responsible for maintenance or improvements of the Fire Protection Water Supply.~~

5. **Reimbursement Methodology.** ~~The original subdivider/property owner shall forward the total costs of improvements to the Planning Department within 60 days of the completion of improvements. Subsequent subdivisions shall pay their proportionate reimbursement to the Planning Department. The Planning Department shall then make disbursements within 60 days of receiving reimbursement funds. Funds shall be disbursed to the entity which has the responsibility for maintenance of the facility. Documentation should also be given to the FPAHJ regarding cost of the improvements.~~

APPENDIX I: FIRE PROTECTION PACKAGES

The following text replaces all of the existing Appendix I of the Gallatin County Subdivision Regulations (see www.gallatin.mt.gov/planning to view existing Appendix I).

APPENDIX I: FIRE PROTECTION STANDARDS

A. General. The following fire protection requirements shall apply to all subdivisions.

- 1. Access to, from and within the subdivision.** All roads shall meet or exceed Gallatin County road standards, in accordance with Section 7, Transportation Design and Improvement Standards, of these Regulations.
- 2. Use of Existing Water Supply.** If the subdivision will be served by an existing water supply, a written plan shall be provided by the subdivider that includes funding, use, maintenance and future upgrades of the feature. If the proposed plan requires any cooperative agreements, or actions, between the subdivider/property owner and any other party, those shall be completed before final plat approval.
- 3. Fire Protection Covenants.** Any covenants required to meet the fire protection requirements shall be recorded with the subdivision final plat. Any amendment to the fire protection covenants must be reviewed by the FPAHJ and approved by the County Commission. A fire protection note, calling attention to the fire protection requirements shall be placed on the final subdivision plat.

The following covenants may be included as a requirement of the fire protection plan to mitigate potential threats from fire. This list is not all inclusive:

- a. Maintenance of Fire Protection Water Supply Features and Fire Department Use** (i.e., open water fill sites, buried water tanks). Fire protection features shall be maintained to their original performance capability in perpetuity by, and at the expense of, the property owners. Performance of all fire protection features shall be certified annually, by the use of field measures, by the FPAHJ or by a PE licensed in Montana. If a PE is to be used, a report shall be submitted, in writing, to the FPAHJ to ensure continued specified capability. The annual certification by the PE shall be at the expense of the property owners.
- b. Driveways to Structures.** To allow for emergency vehicle access to structures, the covenants shall contain language requiring the property owner to provide a driveway meeting the following requirements:
 - For driveways less than 300 feet long a minimum unobstructed driving surface of 12 feet.**

- For driveways more than 300 feet long a minimum unobstructed driving surface of 16 feet and turnaround including but not limited to a drive-through, cul-de-sac or hammerhead turn-a-around within 50 feet of the building or structure.
 - All gates, bridges, culverts, cattle guards and all related constructs affecting access shall be a minimum of two feet wider on each side of the driveway.
- d. Addressing Posted. Addressing on the building shall be contrasting on the building and reflective on the street. Number size shall be four-inch (4'') minimum height. Sign numbers and the background shall be made of retro-reflective material. Address signs should meet the requirements of the FPAHJ.
- 4. Alternative Fire Protection Features or Systems.** Alternative fire protection technologies, means, features or systems shall be considered and reviewed by the FPAHJ.
- 5. Mapping.** A map or electronic file, of the subdivision shall be provided to the FPAHJ indicating streets, addresses, street names, fire protection features, lot lines, building envelopes, utilities and easements.
- 6. Fire Protection Water Supply System Standards.** All fire protection water supply systems should meet or exceed the appropriate fire protection standard adopted by the Gallatin County Fire Council, which are based on the current edition of the Uniform Fire Code, also known as National Fire Protection Association Code 1, and as adopted by the State of Montana.
- 7. Travel Routes to Fire Protection Water Supply Systems.** Travel routes to fire protection water supply systems shall be reviewed by the FPAHJ and approved by the County Commission. Water supply systems must be useable year round and the FPAHJ (Fire Protection Authority Having Jurisdiction) must have legal access in perpetuity.
- B. Water Supplies for Fire Protection.** Subdivisions shall be provided with a water supply system of sufficient volume, pressure, and water distribution system, either on-site or off-site (existing), for the purpose of fire fighting.
- 1. Four or Five Lot Subdivisions; 250 gpm for one hour (15,000 gallons).** Water supply for fire fighting shall be provided by one of the systems listed below. Maximum travel distance from the edge of the lot line to the water supply system shall be 5,000 feet.

- a. Well. Water shall be supplied by a well, pump and hydrant with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers.
- b. Tank. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gallons per minute (gpm) at a minimum of 20 psi from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer, reviewed by the FPAHJ and approved by the BOCC. A copy of the inspection and certification will be provided to the FPAHJ and County Planning.
- c. Surface Water Feature. Fifteen thousand (15,000) gallon storage with dry hydrant. Dry hydrant applications may be used for ponds, streams, and lakes. The system must be designed to be useable and accessible year round. All pipe must be a minimum of 6 inch diameter and the threads at the outlet must be 6 inch male NST.
- d. Other. Alternative methods shall be reviewed by the FPAHJ with recommendations for approval made to the BOCC.

2. Subdivisions with Six or More Lots - Having a Lot Size Equal to or Greater Than One Acre; 500 gpm for one hour (30,000 gallons). Water supply for fire fighting shall be provided by one of the systems listed below. Maximum travel distance from the edge of the lot line to the water supply system shall be 5,000 feet.

- a. Well. Water shall be supplied by a well, pump and hydrant with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers.
- b. Tank. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gpm at a minimum of 20 psi from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer, reviewed by the FPAHJ and approved by the BOCC. A copy of the inspection and certification will be provided to the FPAHJ and County Planning.

- c. Surface Water Feature. Thirty thousand (30,000) gallon storage with dry hydrant. Applications may be used for ponds, streams, and lakes. The system must be designed to be useable and accessible year round. All pipe must be a minimum of 6 inch diameter and the threads at the outlet must be 6 inch male NST.
- d. Other. Alternative methods shall be reviewed by the FPAHJ with recommendations for approval made to the BOCC.

3. Subdivisions with Six or More Lots - Having a Lot Size Less Than One Acre; 1000 gpm for two hours (120,000 gallons) and hydrant spacing every 500 feet. Water supply for fire fighting shall be provided by one of the systems listed below.

- a. Tank. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gpm at a minimum of 20 psi from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer, reviewed by the FPAHJ and approved by the BOCC. A copy of the inspection and certification will be provided to the FPAHJ and County Planning.
- b. Pressurized Water System. Water shall be supplied by a community water system. The system shall be capable of delivering the required gpm at a minimum of psi from approved fire hydrants. The system shall be inspected by a Professional Engineer, and a copy of the inspection and certification will be provided to the FPAHJ and County Planning.
- c. Other. Alternative methods shall be reviewed by the FPAHJ with recommendations for approval made to the BOCC.

C. Wildland/Urban Interface. Special standards are required for subdivisions proposed in wildland/urban interface areas.

For areas identified as wildfire hazard areas by the United States Forest Service (USFS), the Montana Department of Natural Resources and Conservation (DNRC), FPAHJ, or the county's growth policy and approved by the BOCC, the following shall apply:

1. A Fire Prevention and Control Plan must accompany the submission of any application for preliminary plat approval.
2. The Fire Prevention and Control Plan must include the following items:
 - a. an analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
 - b. a map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation;
 - c. a map of the areas that are to be thinned to reduce the interlocking canopy of trees;
 - d. the identification of roads, driveways, and bridges that are sufficient for emergency vehicle access and fire suppression activities. Slopes of all roads and driveways must be provided.
3. At least two entrances/exits must provide escape routes for residents and access to the subdivision by fire-fighting vehicles. Bridges providing access to the subdivision must be built to a design load of 20 tons and constructed of non-flammable materials. Road rights-of-way must be cleared of slash.
4. Building sites may not be located on slopes greater than 25 percent or at the apex of "fire chimneys" (topographic features, usually drainage ways or swales, which tend to funnel or otherwise concentrate fire toward the top of steep slopes).
5. The Fire Prevention and Control Plan must be implemented before the BOCC will approve the final plat, and will be considered part of the subdivider's obligations for land development. The local fire chief, or designee, will inspect and review the implementation of the Fire Prevention and Control Plan. The Plan will not be considered fully implemented until completed as approved by BOCC.
6. Provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions, and restrictions for the development.
7. Open space, park land, and recreation areas (including green belts, riding or hiking trails) should be located, where appropriate, to separate residences and other buildings from densely forested areas.
8. At a minimum, a water supply of sufficient volume for effective fire control must be provided in accordance with standards as set by these regulations.
9. For 1 through 3 lot subdivisions, the subdivider shall follow the standards of B.1 in this Appendix.

Alternative methods shall be reviewed by the FPAHJ with recommendations for approval made to the BOCC.